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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3147***

***Thursday, February 10, 2005 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**Geoffrey F. Brown**

**Dian M. Grueneich**

**Susan P. Kennedy**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Tuesday, February 22, 2005 (San Francisco)	Thursday, February 10, 2005 (San Francisco)
Monday, March 14, 2005 (San Francisco)	Thursday, February 24, 2005 (San Francisco)
Monday, April 04, 2005 (San Francisco)	Thursday, March 17, 2005 (San Francisco)
	Thursday, April 07, 2005 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 36

**Public Comment:**

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Consent Agenda - Orders and Resolutions

- |                    |  |
|--------------------|--|
| <b>1</b><br>[4138] | <b>Res TL-19054</b><br>Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.   |
| <b>2</b><br>[4141] | <b>Res ALJ 176-3147</b><br>Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.<br><a href="http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188424">http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188424</a> |

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Consent Agenda - Orders and Resolutions (continued)**3**

[3736]

**A99-12-025 - Valencia Water Company.**

For approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards The Angeles Chapter of Sierra Club \$4,074.18 for its contribution to D01-11-048 and D03-10-063. This proceeding is closed.  
(Comr Brown - ALJ Patrick)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3137, Item 23 8/19/2004 (Staff);

Agenda 3138, Item 7 9/2/2004 (Staff);

Agenda 3139, Item 3 9/23/2004 (Staff);

Agenda 3141, Item 1 10/28/2004 (Staff);

Agenda 3142, Item 3 11/19/2004 (Staff);

Agenda 3143, Item 1 12/2/2004 (Staff);

Agenda 3144, Item 1 12/16/2004 (Staff);

Agenda 3145, Item 3 1/13/2005 (Staff);

Agenda 3146, Item 1 1/27/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188399](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188399)

**4**

[4085]

**A03-10-039 - Pacific Bell Telephone Company dba SBC California (SBC).**

This decision adopts a Final Arbitrator's Report (FAR) setting telephone pole and conduit rates to be paid by SBC to SureWest Telephone, formerly known as Roseville Telephone. It also approves the full pole and conduit agreement (entitled the Support Structure Use Agreement) prepared and filed by the parties to this arbitration, which incorporates the FAR results. This proceeding is closed.  
(ALJ Thomas)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3145, Item 7 1/13/2005 (Peevey);

Agenda 3146, Item 3 1/27/2005 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188482](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188482)

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Consent Agenda - Orders and Resolutions (continued)**5                   A01-11-014 - Verizon Advanced Data, Inc.**

[4086]           To transfer of intrastate advance data services assets and California customer base, withdraw service and cancel its certificate of public convenience and necessity. A00-09-028 - Related matters. This decision grants in part and denies in part the June 23, 2004 petition to modify D03-06-044 filed by Covad Communications Company, MCI, Inc., AT&T Communications of California, WorldCom, Inc. and The Utility Reform Network. This decision closes the proceeding, but allows the parties to seek to have the proceeding reopened once federal uncertainty regarding the competitive issues raised in this proceeding are resolved. This proceeding is closed.

(ALJ Thomas)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=180496](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180496)

**6                   A03-01-013 - Pasadena Avenue Monterey Road Committee (PAMRC).**

[4156]           A03-07-049, A03-07-050 - Related matters. In these consolidated cases, this decision adopts, with some additional conditions, a settlement among the City of South Pasadena (City), the Los Angeles County Metropolitan Transportation Authority (LACMTA), and the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority). The settlement commits the settling parties to making certain improvements to warning devices at the at-grade crossings in the City and to take other measures to reduce noise from the operations of light rail vehicles on LACMTA's Gold Line in the City. The decision also grants in part the application of PAMRC to allow the bells on crossing gate arms at certain at-grade Gold Line crossings in South Pasadena to be silenced after the gate arms have descended. A03-01-013, A03-07-049, and A03-07-050 are closed.

(Comr Kennedy - ALJ Simon)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3145, Item 14 1/13/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188719](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188719)

## Consent Agenda - Orders and Resolutions (continued)

**7**  
[4158] **C04-03-025 - City of San Diego, The Redevelopment Agency of the City of San Diego, and Padres, L.P. vs. San Diego Gas & Electric Company.**

The City of San Diego (City), the City's Redevelopment Agency and the Padres, L.P. (jointly, complainants) bring this complaint to determine whether they, or defendant San Diego Gas & Electric Company (SDG&E), should bear the cost of installation work within a City redevelopment area. The cost of the installation work is \$652,575.30. The decision finds that SDG&E's Electric and Gas Tariff Rule 15 does not apply to the installation work, and that SDG&E is responsible for the cost of the installation work. This proceeding is closed.

(Comr Brown - ALJ Econome)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3145, Item 16 1/13/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=187408](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=187408)

**8**  
[4177] **I02-06-003 - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, and related entities (collectively Cingular) to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers.**

This decision awards \$367,401.25 in intervenor compensation to Utility Consumers' Action Network for its contribution to D04-09-062.

(Comr Brown - ALJ Vieth)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3145, Item 31 1/13/2005 (Brown);

Agenda 3146, Item 6 1/27/2005 (Kennedy)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188531](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188531)

**9**  
[4190] **R-03-08-019 - Order Instituting Rulemaking on the Commission's own motion to amend General Order 77-K.**

General Order (GO) 77-L will not be amended. Large utilities are directed to provide an electronic copy of future GO 77-L reports and SEC Proxy Statement reports for publication on the Commission's website.

(Comr Peevey - ALJ Koss)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3146, Item 7 1/27/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=183361](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183361)

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Consent Agenda - Orders and Resolutions (continued)

- 10**  
[4199]      **I04-07-003 - Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Fan Ding (aka Ding Fan or Lisa Ding), an individual doing business as Lucky Moving Co., Lucky Movers, Jixiang Moving Co., Northam Immigration Services, and Northman Immigration Service.**  
This decision approves a settlement between Respondent Fan Ding and the Commission's Consumer Protection and Safety Division in resolution of allegations of violations of laws and regulations respecting household goods carriers. This proceeding is closed.  
(Comr Kennedy - ALJ Yacknin)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
Agenda 3146, Item 9 1/27/2005 (Staff)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186163](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186163)
- 11**  
[4200]      **R02-08-002 - Order Instituting Rulemaking on the Commission's own motion to examine whether the regulations regarding prearrangement of charter-party transportation contained in General Order 157-C should be revised.**  
The Commission issues General Order 157-D implementing Assembly Bill (AB) 2591, which strengthens the verification requirements for prearranged charter-party transportation. The Commission concludes that since the Legislature had examined 'prearrangement' in the process of passing AB 2591 (including hearing from the various interests involved), there is no need for the Commission to further examine this issue. This proceeding is closed.  
(Comr Kennedy - ALJ Patrick)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186547](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186547)
- 12**  
[4209]      **A04-10-017 - Union Pipeline Company (California) (UNOCAP).**  
UNOCAP seeks authorization to remove its Line #352 from public utility service and to modify its tariff to reflect the removal. The application is unopposed. The application is granted. This proceeding is closed.  
(Comr Kennedy - ALJ Walker)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3146, Item 16 1/27/2005 (Staff)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=185449](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=185449)

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Consent Agenda - Orders and Resolutions (continued)

- 13**  
[4221]      **A04-04-005 - Southern California Edison Company (SCE).**  
SCE's administration of power purchase agreements and procurement of least cost dispatch power activities for the period July 1, 2003 through December 31, 2003 were reasonable and prudent and that its procurement-related revenue and expenses recorded in the Energy Resource Recovery Account during that same time period were reasonable and prudent. SCE is also authorized to recover \$9.7 million in nuclear incentive rewards and \$4.9 million recorded in its Electric Energy Transaction Administration Memorandum Account. This proceeding is closed.  
(Comr Peevey - ALJ Galvin)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188553](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188553)
- 14**  
[4230]      **A04-04-040 - California-American Water Company (Cal-Am).**  
A04-04-041, A04-08-013 - Related matters. This decision grants interim rate relief to Cal-Am for its Sacramento and Larkfield districts effective the date of this decision.  
(Comr Brown - ALJ Walwyn)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188964](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188964)
- 15**  
[4231]      **Res T-16878**  
This resolution adopts revised California Teleconnect Fund Administrative Committee Fund fiscal year 2004-05 budget of \$17,974,000 and adopts a budget of \$21,092,000 for fiscal year 2005-06. This resolution adopts a surcharge rate of 0.22%.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=187233](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=187233)
- 16**  
[4234]      **A03-10-017 - California Water Service Company.**  
A03-10-018, A03-10-019, A03-10-020, A03-10-021, A03-10-031 - Related matters. This decision adds language to D04-09-038 expressly approving assigned Administrative Law Judge's March 2, 2004 Ruling that was entitled to interim rate increase for South San Francisco and Bakersfield districts for period of July 1 - September 29, 2004. This proceeding is closed.  
(Comr Kennedy - ALJ Thorson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186748](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186748)

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Consent Agenda - Orders and Resolutions (continued)

- 17**                    **Res W-4519 - Del Oro Water Company, Lime Saddle District (DOWC-LSD).**  
[4240]                This resolution authorizes DOWC-LSD a water quantity surcharge producing an increase in revenue of \$75,241 to recover the under-collection reflected in the full cost purchased water balancing account. (Supplemental Advice Letter 131-A, filed January 4, 2005)
- 18**                    **A04-10-007 - San Diego Gas & Electric Company (SDG&E).**  
[4243]                For adoption of SDG&E's 2005 Energy Resource Recovery Account Forecast Revenue Requirement, Review of its Power Procurement Balancing Account, and Approval of its 2004 ERRRA Trigger Amount. This decision is a final determination that a hearing is not needed in this proceeding. (Comr Peevey - ALJ Fukutome)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 19**                    **A03-03-043 - Southern California Edison Company.**  
[4246]                For a permit to construct electrical facilities with voltages between 50kV and 200kV: Viejo System Project. This decision awards N.O.P.E., Inc. \$29,795.65 in compensation for its substantial contribution to D04-07-027.  
(Comr Kennedy - ALJ Malcolm)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=184490](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184490)
- 20**                    **A04-09-022 - Pacific Gas and Electric Company (PG&E).**  
[4247]                This decision approves the sale and conveyance by PG&E of a certain parcel of land located in Shasta County to the City of Redding. The decision also approves an agreement between PG&E and the Commission's Office of Ratepayer Advocates to refer the issue of proceeds of this sale to the gain-on-sale proceeding, R04-09-003. This proceeding is closed.  
(Comr Kennedy - ALJ Walker)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 21**                    **Res W-4520 - Cobb Mountain Water Company (CMWC).**  
[4251]                This resolution authorizes CMWC a one-time surcharge to recover an increase in water testing costs producing an increase in annual revenues of \$1,266.30 or 10.70%. (Advice Letter 32, filed December 14, 2004)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186433](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186433)



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Consent Agenda - Orders and Resolutions (continued)

- 22**                    **A04-09-012 - G2 Solutions, LLC (Applicant).**  
[4252]                This decision authorizes Applicant to provide resold local exchange services. This proceeding is closed.  
                         (Comr Kennedy - ALJ Prestidge)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186164](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186164)
- 23**                    **Res W-4521 - Peerless Water Company (PWC).**  
[4254]                This resolution authorizes PWC a surcharge to recover Department of Health Services costs producing an increase in annual revenue of \$3,777.38 or 0.47%. (Advice Letter 96, filed November 29, 2004)
- 24**                    **A03-11-012 - The Nelson E. and Winifred Bartoo Trust and Angelo L. Andreini, III.**  
[4255]                This decision grants the application of the Nelson E. and Winifred Bartoo Trust (Trust) and Angelo L. Andreini, III, for Commission authorization of the transfer of ownership and control from the Trust to Rentals Etc. of the B&W Riverview Estates Water Company, and the Water System. This proceeding is closed.  
                         (Exam Coughlan)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 25**                    **Res T-16914 - Verizon California, Inc. (Verizon).**  
[4257]                This resolution approves the request of Verizon to grandfather Integrated Services Digital Network-Basic Rate Interface Single Line Residence service. (Advice Letter 10899, filed July 8, 2004)  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=187896](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=187896)
- 26**                    **A04-07-038 - Sacramento Regional Transit District (District).**  
[4260]                This decision grants the District's application to modify the at-grade highway-rail crossing of Blue Ravine Road across the track in the City of Folsom, Sacramento County. This proceeding is closed.  
                         (Exam Clark)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186084](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186084)

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Consent Agenda - Orders and Resolutions (continued)

- 27**                    **A04-08-032 - Sacramento Regional Transit District (District).**  
[4261]                This decision grants the District's application to construct a light rail passenger system under Highway 50 in Sacramento County. This proceeding is closed.  
                         (Exam Clark)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186111](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186111)
- 28**                    **A04-08-036 - City of Victorville (City).**  
[4262]                This decision grants the City's request to construct a proposed grade-separated highway-rail crossing over The Burlington Northern and Santa Fe Railway Company's proposed spur tracks within the existing 100-foot wide right-of-way of National Trails Highway, to be referred to as CPUC No. 002-38.45-AC, in Victorville, San Bernardino County. This proceeding is closed.  
                         (Exam Clark)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186074](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186074)
- 29**                    **A04-10-028 - City of Dinuba (City).**  
[4263]                This decision grants the City's request to construct a new at-grade highway-rail crossing over the tracks of the San Joaquin Valley Railroad in Tulare County. This proceeding is closed.  
                         (Exam Clark)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186112](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186112)
- 30**                    **R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.**  
[4267]                This decision grants \$9,145.89 in intervenor compensation to California Small Business Roundtable for its contributions to D04-08-056 and D04-10-013.  
                         (Comr Kennedy - ALJ McVicar)  
                         *Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
                         [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=187510](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=187510)

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Consent Agenda - Orders and Resolutions (continued)

- 31**                    **A04-11-026 - Southern California Edison Company.**  
[4268]                This decision authorizes the reappointment, by Southern California Edison Company, of Aulana L. Peters as a non-company member of its two nuclear decommissioning trust committees, for a five-year term. This proceeding is closed.  
(Comr Brown - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186934](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186934)
- 32**                    **A02-10-004 - AmericanStar Tours (Applicant).**  
[4272]                This decision authorizes Applicant to modify its passenger stage corporation certificate to include service to Long Beach Harbor, and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 33**                    **A04-10-022 - Gregory Louis and Family to Family Transportation Service (Applicant).**  
[4273]                This decision authorizes Applicant to operate as a passenger stage corporation between Antioch, Pittsburg, and Concord, on the one hand, and facilities of the Municipal Railway in San Francisco, on the other hand; and between points in Alameda and Contra Costa Counties, on the one hand, and San Quentin State Prison, California State Prison Solano, and Folsom State Prison, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=187927](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=187927)
- 34**                    **A04-10-015 - WTI Communications, Inc. (Applicant).**  
[4274]                This decision grants Applicant a certificate of public convenience and necessity to provide resold local exchange telecommunications services. This proceeding is closed.  
(Comr Kennedy - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=185798](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=185798)
- 35**                    **A04-11-010 - Southwest Gas Corporation.**  
[4275]                This decision grants Southwest Gas Corporation a limited exemption from the Affiliate Transaction Rules. This proceeding is closed.  
(Comr Peevey - ALJ DeBerry)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186796](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186796)

## Consent Agenda - Orders and Resolutions (continued)

**36**

[4277]

**C02-09-045 - Mpower Communications Corp. vs. Pacific Bell Telephone Company.**

This decision finds Pacific Bell Telephone Co. indirectly rebated tariffed charges in violation of Pub. Util. Code §532 by making a payment to payphone service providers under its 'Fast Start Program' that was identical to the tariffed installation charge. The decision orders Pacific Bell Telephone Co. to terminate the 'Fast Start Program' and not reinstate it. This proceeding is closed.

(Comr Peevey - ALJ Grau)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=187411](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=187411)

## Regular Agenda

### Regular Agenda - Energy Orders

**37**

[4103]

**A00-11-038 - Southern California Edison Company (SCE).**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards The Utility Reform Network (TURN) \$1,043,871.80 in compensation for its further participation in the federal district court proceedings in which SCE and Pacific Gas and Electric Company challenged the Commission's jurisdiction to limit the utilities' recovery of increased wholesale procurement costs, and for its efforts in the judicial review of D02-06-070, which awarded TURN intervenor compensation for its earlier participation in those federal proceedings.

(Comr Brown - ALJ Allen)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3144, Item 48 12/16/2004 (Kennedy);

Agenda 3145, Item 45 1/13/2005 (Brown);

Agenda 3146, Item 29 1/27/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=186720](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=186720)

**Regular Agenda - Energy Resolutions and Written Reports****38**

[4226]

**Res E-3910 - San Diego Gas & Electric Company (SDG&E).**

SDG&E submits notification of actions it has taken to implement California Public Utilities Commission Decision 04-07-028, which are consistent with its approved short-term procurement plan. SDG&E developed a new Operating Procedure in cooperation with the California Independent System Operator to help congestion mitigation by using effectiveness factors in procurement and scheduling activities. Approved.

(Advice Letter 1641-E, filed December 3, 2004)

Agenda 3146, Item 36 1/27/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188774](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188774)

**39**

[4271]

**Res E-3913 - San Diego Gas & Electric Company (SDG&E).**

SDG&E requests approval of Amendment to the San Diego Gas & Electric/Comverge contract in compliance with D04-06-011. (Advice Letter 1639-E, filed November 18, 2004)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=189000](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=189000)

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**Regular Agenda - Telecommunication Orders****40                    A04-06-029 - Spectrotel, Inc. (Applicant).**

[4105]

This decision denies Applicant's request for a certificate of public convenience and necessity based on the company's history of unlawful slamming. If Applicant engages in no further instances of slamming or other violations of law, it may reapply after one year. This proceeding is closed.

(Comr Kennedy - ALJ Prestidge)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3145, Item 10 1/13/2005 (Kennedy);

Agenda 3146, Item 4 1/27/2005 (Kennedy)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188481](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188481)

**41                    A01-02-024 - AT&T Communications of California, Inc. and WorldCom, Inc.**

[4184]

A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision resolves outstanding issues in this proceeding relating to the adjustment, or "true-up," of interim unbundled network element rates to permanent rate levels. This order lifts the stay of billing adjustments established through Ordering Paragraph 4 of D04-09-063, and orders immediate payment of billing adjustments by 10 carriers whose cash or cash equivalents indicate they possess cash at least 10 times the amount of their true-up debt. All other carriers shall pay in equal installments over 12 months, subject to interest and late payment penalties. True-up payments should be calculated based on a 10% shared and common cost markup. These proceedings are closed.

(Comr Peevey - ALJ Duda)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3146, Item 38 1/27/2005 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188578](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188578)

**41a                    ALTERNATE TO ITEM 4184**

[4284]

A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This alternate differs from the ALJ's draft decision in one respect. The alternate directs the true-up payments to be calculated based on a 15% shared and common cost markup.

(Comr Brown)

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**Regular Agenda - Telecommunication Resolutions and Reports****42**

[4155]

**Res T-16897 - Citizens Telecommunications Company of California (Citizens).**

This resolution requires Citizens to apply a CHCF-B permanent surcredit rate of 3.63% and an additional surcredit rate of 2.95% to true up the provisional permanent surcredit, totaling 6.58%, for one year. Subsequently, Citizens will continue to apply the 3.63% permanent surcredit on the first day of the month after the twelve-month implementation period of the 6.58% total CHCF-B surcredit on all intrastate billings, with certain exceptions. (Advice Letter (AL) 722, filed October 24, 2001, and Supplement A, filed April 13, 2004. AL 732, filed November 29, 2001, and Supplements A, B, and C, filed December 10, 2001, August 1, 2002, and April 13, 2004, respectively)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3145, Item 13 1/13/2005 (Kennedy);

Agenda 3146, Item 40 1/27/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188679](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188679)

**42a**

[4285]

**ALTERNATE TO ITEM 4155**

This alternate requires Citizens Telecommunications Company of California to (1) implement a permanent CHCF-B surcredit rate of 3.63%; and (2) apply a one-month surcharge rate of 1.72% on all intrastate billings, except residential basic service, contracts, and coin-sent paid calls. The one-month surcharge rate is being implemented to recover an over refunded amount to its customers during the three-month temporary catch-up surcredit period. This alternate finds that D.98-09-039 did not contemplate the true-up of the provisional surcredit, but instead anticipated its application on a going forward basis.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188188](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188188)

**43**

[4223]

**Res T-16895**

This resolution recommends a budget of \$66.8 million for Fiscal Year 2005-2006 for the Deaf and Disabled Telecommunications Program. It also grants the Executive Director the authority to enter into contracts to expand and extend captioned telephone service.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188969](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188969)



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**Regular Agenda - Commissioner's Reports**

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**Regular Agenda - Management Reports and Resolutions**

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Non-Federal

**44**

**Conference with Legal Counsel - Applications for Rehearing**

[4144]

Compilation of applications for rehearing recently filed with the Commission.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**45**

**A02-11-044 - Conference with Legal Counsel – Application for Rehearing**

[3979]

Disposition of Applications for Rehearing of D04-07-034 filed by the Office of Ratepayer Advocates, City of Fontana and the Fontana Unified School District. D04-07-034 authorizes a rate increase for the San Gabriel Valley Water Company (San Gabriel), Fontana Water Company Division. Among other things, the decision removes \$2.6 million from the ratebase, finding that is the amount of money the County of San Bernardino reimbursed San Gabriel for its water treatment facility, Plant F-10. The decision also finds that the Fontana Division is experiencing growth that is expected to continue and that it was barely able to meet its 2003 summer peak-day demand following four years of drought and closure of various contaminated wells. Further, the decision finds that it is not reasonable to defer addition for new plant in the Fontana Division until outside funding for contamination cleanup becomes available and finds that the utility has justified its proposed construction program including plans for needed plant additions that would increase its rate base at a rate of 10% per year. The decision advises that the utility to open a water quality memorandum account for any reimbursements from polluters or proceeds ultimately received. The decision permits the utility to purchase land for its new office building but requires it to defer building the new office building at this time. Because the utility has not, in the past, hired new personnel when funded to do so, the decision requires it to file an advice letter for inclusion of the costs of each new position authorized by it. In addition, the decision finds that that the utility's executive salaries are not unreasonable.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Gov. Code § 11126.3(d), allows this item to be considered in Closed Session.*

Agenda 3143, Item 52 12/2/2004 (Staff);

Agenda 3144, Item 68 12/16/2004 (Staff);

Agenda 3145, Item 60 1/13/2005 (Staff);

Agenda 3146, Item 45 1/27/2005 (Staff)

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Closed Session - Non-Federal (continued)**46                   A02-07-022 - Conference with Legal Counsel - Application for Rehearing**

[4130]

Order disposing of applications for rehearing of D04-07-026, in which the Commission certified the Final Environmental Impact Report and granted a CPCN for SDG&E's Miguel Mission 230kV transmission project. Applications for rehearing were filed by the City of Santee, Santee Citizens for Safe Power, San Diegans for Fair Power, and the Eucalyptus Hills Landowners Association. The Commission will also consider related matters, including a petition for modification of D04-07-026 filed by the City of Santee, and pending motions.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

Agenda 3144, Item 74 12/16/2004 (Staff);

Agenda 3145, Item 62 1/13/2005 (Staff);

Agenda 3146, Item 46 1/27/2005 (Staff)

**47                   A00-11-038 - Conference with Legal Counsel - Application for Rehearing**

[4264]

A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D05-01-036 filed jointly by Pacific Gas and Electric Company (PG&E) and TURN. In D05-01-036, the Commission granted limited rehearing of D04-12-014, which adopted a permanent methodology for allocating the Department of Water Resources' revenue requirement for 2004 and beyond.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**48                   R03-09-006 - Conference with Legal Counsel – Application for Rehearing**

[4264]

Disposition of Application for Rehearing and/or Request for Stay of D04-12-056 filed by Southern California Edison Company (SCE), and/or Disposition of Application for Rehearing of D04-12-056 filed by the Pacific Gas and Electric Company (PG&E) and the San Diego Gas and Electric Company (SDG&E). D04-12-056 prohibits the use of 'reverse auctions' in energy utility construction contract bidding procedures, a practice in which bidders compete for contracts by lowering their bids until the lowest bid is accepted. D04-12-056 also requires respondent utilities to ensure the payment of prevailing wages by their construction contractors in all construction. SCE, PG&E, and SDG&E, respondent utilities, seek rehearing on allegations that latter provision of D04-12-056 is preempted by federal law, contrary to Commission Rules, and not supported by the record of the proceeding.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**49                   A02-12-027 - Conference with Legal Counsel – Application for Rehearing**

[4280]

A02-12-028, I03-03-016 - Related matters. Disposition of the application for rehearing of D04-10-012 filed by Southern California Edison Company (SCE). D04-10-012 denied SCE's application for rehearing of D03-12-058 and held that Local 483 Workers Union qualifies as a customer under all three definitions of customer pursuant to Public Utilities Code section 1802(b). D04-10-012 also holds portions of D98-04-059, the Commission's Intervenor Compensation Order, invalid.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**50**

[4270]

**Conference with Legal Counsel – Initiation of Enforcement Proceeding**

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*

**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session*

**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*



### **Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**Closed Session - Federal**

- 51**  
[4147] **Case Nos. C 04-00580 VRW (Bankruptcy Case No. 01 30923 DM) - Conference with Legal Counsel - Existing Litigation**  
Loretta Lynch vs. California Public Utilities Commission, Pacific Gas and Electric Company (Debtor), U.S. District Court for the Northern District of California, Case No. C 04-00580 VRW; Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- 52**  
[4175] **WC Docket No. 03-211 - Conference with Legal Counsel – Existing Litigation**  
In re Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minnesota PUC, WC Docket No. 03-211.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*  
Agenda 3145, Item 68 1/13/2005 (Brown);  
Agenda 3146, Item 50 1/27/2005 (Kennedy)
- 53**  
[4202] **Cases No SACV 04-1129 DOC (Mcx) and SACV 04-1139 DOC (Mcx) - Conference with Legal Counsel - Existing Litigation**  
U.S. District Court for the Central District of California Case No. SACV 04-1129 DOC (Mcx), Nextel of California, Inc. v. Brown, et al. U.S. District Court for the Central District of California Case No. SACV 04-1139 DOC (Mcx) Cellco Partnership, et al. v. Peevey et al.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*  
Agenda 3145, Item 69 1/13/2005 (Staff);  
Agenda 3146, Item 51 1/27/2005 (Staff)
- 54 (Rev.)**  
[4293] **Adversary Proceeding No. 03-04316 (ALG) - Conference with Legal Counsel - Existing Litigation**  
The Official Committee of Unsecured Creditors of 360Networks, Inc. ("Committee") v. CPUC, Adversary Proceeding No. 03-04316 (ALG), U.S. Bankruptcy Court, Southern District of New York. This item is added to the Agenda pursuant to Government Code Section 11125.3(2).  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*  
02/08/2005 - This item was not listed on the agenda distributed to the public.

**Closed Session - FERC Docket No. EL00-95-000**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*